

JS44 (Rev. 1/08 NDGA)

CIVIL COVER SHEET **1 09-CV-2952**

The JS44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form is required for the use of the Clerk of Court for the purpose of initiating the civil docket record. (SEE INSTRUCTIONS ATTACHED)

I. (a) PLAINTIFF(S)

MasTec North America, Inc.

DEFENDANT(S)

Scientific-Atlanta, LLC

TCB

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF Miami-Dade County, FL
(EXCEPT IN U.S. PLAINTIFF CASES)

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT Gwinnett County, GA
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED

(c) ATTORNEYS (FIRM NAME, ADDRESS, TELEPHONE NUMBER, AND E-MAIL ADDRESS)

W. Kerry Howell
Lumley & Howell, LLP
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Macon, GA 31201
(478) 745-0111
wkhowell_law@bellsouth.net

ATTORNEYS (IF KNOWN)**II. BASIS OF JURISDICTION**

(PLACE AN "X" IN ONE BOX ONLY)

1 U.S. GOVERNMENT PLAINTIFF 3 FEDERAL QUESTION (U.S. GOVERNMENT NOT A PARTY)
 2 U.S. GOVERNMENT DEFENDANT 4 DIVERSITY (INDICATE CITIZENSHIP OF PARTIES IN ITEM III)

III. CITIZENSHIP OF PRINCIPAL PARTIES(PLACE AN "X" IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)
(FOR DIVERSITY CASES ONLY)

PLF	DEF	PLF	DEF
<input type="checkbox"/> 1	<input checked="" type="checkbox"/> 1 CITIZEN OF THIS STATE	<input type="checkbox"/> 4	<input type="checkbox"/> 4 INCORPORATED OR PRINCIPAL PLACE OF BUSINESS IN THIS STATE
<input checked="" type="checkbox"/> 2	<input type="checkbox"/> 2 CITIZEN OF ANOTHER STATE	<input type="checkbox"/> 5	<input type="checkbox"/> 5 INCORPORATED AND PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE
<input type="checkbox"/> 3	<input type="checkbox"/> 3 CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	<input type="checkbox"/> 6	<input type="checkbox"/> 6 FOREIGN NATION

IV. ORIGIN (PLACE AN "X" IN ONE BOX ONLY)

1 ORIGINAL PROCEEDING 2 REMOVED FROM STATE COURT 3 REMANDED FROM APPELLATE COURT 4 REINSTATED OR REOPENED 5 TRANSFERRED FROM ANOTHER DISTRICT (Specify District) 6 MULTIDISTRICT LITIGATION 7 FROM MAGISTRATE JUDGE JUDGMENT

V. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE - DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

Diversity jurisdiction based on 28 USC §1332(a)(1)

(IF COMPLEX, CHECK REASON BELOW)

<input type="checkbox"/> 1. Unusually large number of parties.	<input type="checkbox"/> 6. Problems locating or preserving evidence
<input type="checkbox"/> 2. Unusually large number of claims or defenses.	<input type="checkbox"/> 7. Pending parallel investigations or actions by government.
<input type="checkbox"/> 3. Factual issues are exceptionally complex	<input type="checkbox"/> 8. Multiple use of experts.
<input type="checkbox"/> 4. Greater than normal volume of evidence.	<input type="checkbox"/> 9. Need for discovery outside United States boundaries.
<input type="checkbox"/> 5. Extended discovery period is needed.	<input type="checkbox"/> 10. Existence of highly technical issues and proof.

CONTINUED ON REVERSE

FOR OFFICE USE ONLY

RECEIVED

AMOUNT

DEFENDANT'S

MAIL JUDGE/CLERK

JUDGE

MAIL CLERK

NATURE OF SUIT

CAUSE OF ACTION

TCB

190 28:1332 bc

VI. NATURE OF SUIT (PLACE AN "X" IN ONE BOX ONLY)**CONTRACT - "0" MONTHS DISCOVERY TRACK'**

150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT
 152 RECOVERY OF DEFALTED STUDENT LOANS (Excl. Veterans)
 153 RECOVERY OF OVERPAYMENT OF VETERAN'S BENEFITS

CONTRACT - "4" MONTHS DISCOVERY TRACK

110 INSURANCE
 120 MARINE
 130 MILLER ACT
 140 NEGOTIABLE INSTRUMENT
 151 MEDICARE ACT
 160 STOCKHOLDERS' SUITS
 196 OTHER CONTRACT
 195 CONTRACT PRODUCT LIABILITY
 196 FRANCHISE

REAL PROPERTY - "4" MONTHS DISCOVERY TRACK

210 LAND CONDEMNATION
 220 FORECLOSURE
 230 RENT LEASE & EJECTMENT
 240 TORTS TO LAND
 245 TORT PRODUCT LIABILITY
 290 ALL OTHER REAL PROPERTY

TORTS - PERSONAL INJURY - "4" MONTHS DISCOVERY TRACK

310 AIRPLANE
 315 AIRPLANE PRODUCT LIABILITY
 320 ASSAULT, LIBEL & SLANDER
 330 FEDERAL EMPLOYERS' LIABILITY
 340 MARINE
 345 MARINE PRODUCT LIABILITY
 350 MOTOR VEHICLE
 355 MOTOR VEHICLE PRODUCT LIABILITY
 360 OTHER PERSONAL INJURY
 362 PERSONAL INJURY - MEDICAL MALPRACTICE
 365 PERSONAL INJURY - PRODUCT LIABILITY
 368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY

TORTS - PERSONAL PROPERTY - "4" MONTHS DISCOVERY TRACK

370 OTHER FRAUD
 371 TRUTH IN LENDING
 380 OTHER PERSONAL PROPERTY DAMAGE
 385 PROPERTY DAMAGE PRODUCT LIABILITY

BANKRUPTCY - "0" MONTHS DISCOVERY TRACK

422 APPEAL 28 USC 158
 423 WITHDRAWAL 28 USC 157

CIVIL RIGHTS - "4" MONTHS DISCOVERY TRACK

441 VOTING
 442 EMPLOYMENT
 443 HOUSING/ ACCOMMODATIONS
 444 WELFARE
 449 OTHER CIVIL RIGHTS
 445 AMERICANS with DISABILITIES - Employment
 446 AMERICANS with DISABILITIES - Other

IMMIGRATION - "0" MONTHS DISCOVERY TRACK

462 NATURALIZATION APPLICATION
 463 HABEAS CORPUS- Alien Detainee
 465 OTHER IMMIGRATION ACTIONS

PRISONER PETITIONS - "0" MONTHS DISCOVERY TRACK

510 MOTIONS TO VACATE SENTENCE
 530 HABEAS CORPUS
 535 HABEAS CORPUS DEATH PENALTY
 540 MANDAMUS & OTHER
 550 CIVIL RIGHTS - Filed Pro se
 555 PRISON CONDITION(S) - Filed Pro se

PRISONER PETITIONS - "4" MONTHS DISCOVERY TRACK

550 CIVIL RIGHTS - Filed by Counsel
 555 PRISON CONDITION(S) - Filed by Counsel

FORFEITURE/PENALTY - "4" MONTHS DISCOVERY TRACK

610 AGRICULTURE
 620 FOOD & DRUG
 625 DRUG RELATED SEIZURE OF PROPERTY
 21 USC 881
 630 LIQUOR LAWS
 640 R.R. & TRUCK
 650 AIRLINE REGS.
 660 OCCUPATIONAL SAFETY / HEALTH
 690 OTHER

LABOR - "4" MONTHS DISCOVERY TRACK

710 FAIR LABOR STANDARDS ACT
 720 LABOR/MGMT. RELATIONS
 730 LABOR/MGMT. REPORTING & DISCLOSURE ACT
 740 RAILWAY LABOR ACT
 790 OTHER LABOR LITIGATION
 791 EMPL. RET. INC. SECURITY ACT

PROPERTY RIGHTS - "4" MONTHS DISCOVERY TRACK

820 COPYRIGHTS
 840 TRADEMARK

PROPERTY RIGHTS - "8" MONTHS DISCOVERY TRACK

830 PATENT

SOCIAL SECURITY - "0" MONTHS DISCOVERY TRACK

861 HIA (13950)
 862 BLACK LUNG (923)
 863 DIWC (405(g))
 864 SSID TITLE XVI
 865 RSI (405(g))

FEDERAL TAX SUITS - "4" MONTHS DISCOVERY TRACK

870 TAXES (U.S. Plaintiff or Defendant)
 871 IRS - THIRD PARTY 26 USC 7609

OTHER STATUTES - "4" MONTHS DISCOVERY TRACK

400 STATE REAPPORTIONMENT
 430 BANKS AND BANKING
 450 COMMERCE/ICC RATES/ETC.
 460 DEPORTATION
 470 RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS
 480 CONSUMER CREDIT
 490 CABLE/SATELLITE TV
 810 SELECTIVE SERVICE
 875 CUSTOMER CHALLENGE 12 USC 3410
 891 AGRICULTURAL ACTS
 892 ECONOMIC STABILIZATION ACT
 893 ENVIRONMENTAL MATTERS
 894 ENERGY ALLOCATION ACT
 895 FREEDOM OF INFORMATION ACT
 900 APPEAL OF FEE DETERMINATION UNDER EQUAL ACCESS TO JUSTICE
 950 CONSTITUTIONALITY OF STATE STATUTES
 890 OTHER STATUTORY ACTIONS

OTHER STATUTES - "8" MONTHS DISCOVERY TRACK

410 ANTITRUST
 850 SECURITIES / COMMODITIES / EXCHANGE

OTHER STATUTES - "0" MONTHS DISCOVERY TRACK

ARBITRATION (Confirm / Vacate / Order / Modify)

(Note: Mark underlying Nature of Suit as well)

* PLEASE NOTE DISCOVERY TRACK FOR EACH CASE TYPE.
 SEE LOCAL RULE 26.3

VII. REQUESTED IN COMPLAINT:

CHECK IF CLASS ACTION UNDER F.R.Civ.P. 23 DEMAND \$ _____
 JURY DEMAND YES NO (CHECK YES ONLY IF DEMANDED IN COMPLAINT)

VIII. RELATED/REFILED CASE(S) IF ANY

JUDGE _____ DOCKET NO. _____

CIVIL CASES ARE DEEMED RELATED IF THE PENDING CASE INVOLVES: (CHECK APPROPRIATE BOX)

1. PROPERTY INCLUDED IN AN EARLIER NUMBERED PENDING SUIT.
 2. SAME ISSUE OF FACT OR ARISES OUT OF THE SAME EVENT OR TRANSACTION INCLUDED IN AN EARLIER NUMBERED PENDING SUIT.
 3. VALIDITY OR INFRINGEMENT OF THE SAME PATENT, COPYRIGHT OR TRADEMARK INCLUDED IN AN EARLIER NUMBERED PENDING SUIT.
 4. APPEALS ARISING OUT OF THE SAME BANKRUPTCY CASE AND ANY CASE RELATED THERETO WHICH HAVE BEEN DECIDED BY THE SAME BANKRUPTCY JUDGE.
 5. REPETITIVE CASES FILED BY PRO SE LITIGANTS.
 6. COMPANION OR RELATED CASE TO CASE(S) BEING SIMULTANEOUSLY FILED (INCLUDE ABBREVIATED STYLE OF OTHER CASE(S));

7. EITHER SAME OR ALL OF THE PARTIES AND ISSUES IN THIS CASE WERE PREVIOUSLY INVOLVED IN CASE NO. _____, WHICH WAS DISMISSED. This case IS NOT (check one box) SUBSTANTIALLY THE SAME CASE.


 SIGNATURE OF ATTORNEY OF RECORD

October 20, 2009

DATE